

UNITED STATES DISTRICT COURT

for

NORTHERN DISTRICT OF CALIFORNIA

San Francisco Venue

Petition for Summons for Offender Under Supervision

Name of Offender: Nicholas Anthony Stewart Docket No.: CR 05-00026-02 CRB

Name of Sentencing Judge: Charles R. Breyer
United States District Judge

Date of Original Sentence: February 1, 2006

Original Offense:

Count One: Effecting Transaction with Access Device Issued to Another Person, to Obtain at Least \$1,000 of Value During a One Year Period and Aiding and Abetting, 18 U.S.C. § 1029(a)(5) and 2, a Class C felony

Original Sentence: 5 months custody, 3 years supervised release

Special Conditions: Home confinement with electronic monitoring 5 months; special assessment \$100; community service 120 hours; drug/alcohol treatment; mental health treatment; access to financial information; no false identification and provide true identity; search

Type of Supervision: Supervised Release Date Supervision Commenced: September 12, 2006
Assistant U.S. Attorney: Robert Rees Defense Counsel: Richard S. Scott (Retained)

Petitioning the Court

The issuance of a summons for the offender to appear in court before the duty Magistrate Judge for identification of counsel and setting of further proceedings on June 13, 2007 at 9:30 a.m.

I, Jacqueline Sharpe, a Probation Officer employed in the United States District Court for the Northern District of California, solemnly affirm and declare, under penalty of perjury, that to the best of my information and belief, the facts set forth in this affidavit are true and correct. The factual affirmations made below are based on my personal knowledge, on official records or documents generated and maintained by my agency in the course of performing its functions, on official records or documents generated and maintained by other government agents or agencies in the course of performing their functions, or on information provided to me orally or electronically by employees or agents of other public agencies (information developed or acquired in the course of performing official agency functions).

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Charge Number

Violation

One

There is probable cause to believe that the offender violated standard condition number seven that the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.

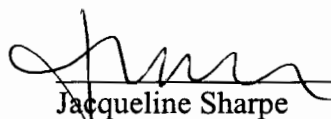
Mr. Stewart tested positive for the use of cocaine from sweat patches collected on March 13, 2007; March 27, 2007; and April 3, 2007, by East Bay Community Recovery Project in Oakland, California.

Evidence to support this charge is contained in the lab test result from specimen numbers 55727126; 55731158; and 55736167, collected on March 13, 2007; March 27, 2007; and April 3, 2007, respectively. The sweat patch tests were analyzed by Clinical Reference Laboratory in Lenexa, Kansas, and confirmed positive results for cocaine.

Address of offender: 3042 Fulton Street, Unit A
Berkeley, CA 94705

Based on the foregoing, there is probable cause to believe that Nicholas Anthony Stewart violated the conditions of his supervision.

Respectfully submitted,



Jacqueline Sharpe
U.S. Probation Officer
Date Signed: May 21, 2007

Approved as to form:



Marlana R. Peter
Supervisory U.S. Probation Officer

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Having considered the information set forth above, the court finds there is probable cause to believe there has been a violation of the conditions of supervision and orders:

☒ The issuance of a summons for the offender to appear in court before the duty Magistrate Judge for identification of counsel and setting of revocation proceedings on June 13, 2007 at 9:30 a.m.

☐ Other:

May 24, 2007
Date



Charles R. Breyer
United States District Judge